

Local Government Advisory Committee Meeting

MINUTES

Chattanooga, Tennessee

February 10-11, 2000

Thursday, February 10, 2000

Chairperson Teree Caldwell-Johnson convened the meeting at 9:00 a.m., welcomed participants to the meeting and called for introductions around the room. Following member introductions, Ms. Caldwell-Johnson introduced Jon Kinsey, Mayor of Chattanooga.

Mayor Kinsey welcomed Committee members to Chattanooga. He pointed out the visible progress Chattanooga has made in its downtown area and the Southside redevelopment projects. He explained that the key to their success was involving citizens in the decision-making process. He commended the Environmental Protection Agency (EPA) for understanding the importance of working with local governments.

Diane Thompson, Associate Administrator of EPA's Office of Congressional and Intergovernmental Relations, informed the Committee that her Office had received funding for three LGAC meetings in 2000 and for contractor logistical support for the meetings. A-S-K Associates, Inc. would provide the contractor support.

Ms. Caldwell-Johnson explained that Denise Ney, the Local Government Advisory Committee's Designated Federal Officer (DFO), was unable to attend the meeting and she offered her thanks for Ms. Ney's hard work in preparing for the meeting. [Note: Mark Flory acted as DFO for the meeting.] Ms. Caldwell-Johnson also thanked Linda Pratt, Kay Slaughter, and Chris Bird for all of their hard work in preparing the meeting agenda.

Kay Slaughter introduced the participants for the first panel entitled, "The Chattanooga Story" – Stroud Watson, Director of Downtown Riverfront Design Center, Thomas Dugan, Chattanooga Transit Director, and James Williams, Brownfields Administrator for the City of Chattanooga. She explained that David Crockett, City Councilman, would be arriving shortly.

Stroud Watson, explained that it was important to blend architectural theory with a given community and to design your city. "We build on what we inherit in an attempt to create a diverse, involved, caring community." He spoke about how Chattanooga has learned to look at the community as a whole instead of a project in isolation. He explained that the Design Studio is a joint effort, with input coming both locally and regionally.

Thomas Dugan explained the implementation of the current downtown electric bus system. As a solution to air and transportation problems, the City of Chattanooga has implemented the world's largest electric bus system. The City has automobile storage garages at both ends of its downtown area to capture cars in order to maximize usage of the transit system. The shuttle service is free for riders and runs every five minutes. The City has calculated that just short of one million people utilize the shuttle system. The diverse group of riders includes downtown workers, tourists and citizens enjoying the downtown area. The parking revenues from the garages are used to maintain the bus system. The City has built a new 6,000-seat football stadium using no public money and with no parking lot additions. The shuttle bus system will be used to transport spectators and workers to the stadium. The system has 19 vehicles in use and 11 more will be added. The City feels that the bus system is a tremendous asset and is planning to expand it to include the entire city.

James Williams, Chattanooga's Brownfields Administrator, explained that local Brownfields efforts were focused on non-productive, idle sites in targeted areas, such as Alden Park. Program goals include creating jobs for neighborhood residents and containing sprawl. He outlined the development of the local Brownfields administrative office and how the City encouraged local community action and public participation in Vision 2000. The City gathered information from over 1,000 citizens and formed task forces, which led to the completion of such projects as the Tennessee River Park, Tennessee Aquarium, and Chattanooga Neighborhood Initiative. Next, the city moved into Revision 2000 in which community members assessed the goals of Vision 2000, increased public participation by 100%, revised goals and added new ones. Mr. Williams made note of the following goals resulting from Revision 2000:

1. Establish Regional Conferences;
2. Expand environmental dialogue beyond air quality;
3. Create a community design center (which is now nationally recognized);
4. Complete the \$12.5 million clean up of Chattanooga Creek Superfund Site (Phase I now complete; waiting for EPA to proceed with Phase II)
5. Focus on community education; and,
6. Clean up Alden Park.

Alden Park has various abandoned manufacturing sites with adjacent residential areas, including three public housing areas -- a classic Brownfields situation. The City conducted an outreach effort during the planning phase that included neighborhood groups, elected officials and any interested persons. Mr. Williams stressed the importance of community ownership of such a project.

David Crockett, Councilman, City of Chattanooga, was introduced and he spoke to the Committee about the importance of win-win situations. He said that there should be no compromise, only optimization. Mediocrity is achieved, according to Mr. Crockett, by attempting to achieve balance. He challenged the LGAC to strike the word balance from their

vocabulary. He expanded on the idea that if, during the course of business we lose the environment, we have done so by looking only at the gross outcome of a situation, not the net. He discussed the cultural changes in the City of Chattanooga, and described hearing at all levels language from those involved that was bound by clear principles. Mr. Crockett believes that every stakeholder should be involved in every stage of planning in order to ensure the most desirable outcome. He explained this through the use of the shoe test -- at every meeting, look under the table for a variety of shoes to make sure you have the right people in attendance. He emphasized that a good, creative idea is a good, creative idea no matter its source. Mr. Crockett commented on the current transportation system in America and how it drives what is wrong in this country. He reported his belief that small, incremental, minute decisions are the cause of very large problems. He spoke of integrated thinking, where each segment that develops infrastructure should work together to make urban economic and growth decisions. Mike Kadas asked Mr. Crockett about the problem of getting 100% consensus throughout the planning process. Mr. Crockett stated that this was virtually impossible, but every community should have a standing organization like the Design Center to facilitate public/private partnerships and as a resource for planning and implementation of plans.

He also noted that no projects should be government-only, all projects should be partnerships. Joel McTopy asked Mr. Crockett what he has done to establish a relationship at the State level to help the locality receive financial resources/regulatory process. Mr. Crockett said that he felt Federal and State resources, including those of EPA, were spread too thin. He said he has asked the President to challenge universities, companies and cities to achieve a goal of zero waste and gave the example of a carpet manufacturer in Chattanooga that recycles used carpet into new carpet. He also asked the President to help sustain communities by stopping sprawl. He asked the EPA to make growth patterns of cities a high priority and to empower cities to make growth decisions.

The second panel was introduced and moderated by Diane Thompson. The panel consisted of Alexander Cristofaro, Office of Policy, Economics and Innovation, Jeff Clark, Director, Policy and Communication Staff, Office of Air Quality Planning and Standards, Mark Wolcott, Office of Transportation and Air Quality and Elizabeth Jester Fellows, Director, Assessment and Watershed Protection Division, Office of Water. The topic was "EPA's Role in Sustainability – Growing or Shrinking?"

Alexander Cristofaro identified four priorities for his office in 2000. They include:

- \$ Create a comprehensive regional effort to better integrate Regional activity.** Conduct workshops and training. Encourage utilization of the Smart Growth Index and continue to look for, and support, Smart Growth XL Pilots.

\$ Close out the Sustainable Development Challenge Grant (SDCG) program using the four steps listed below. 1999 was the last year that the SDCG program was funded.

- Quantify environmental benefits of SDCGs;
- Establish criteria for new, more focused direction;
- Pilot Innovative Community Partnership Program in 2000 to replace SDCGs;
- Communicate new direction to stakeholders.

- **Maintain existing Smart Growth Network program.**

Developing a new Smart Growth Index. It is a community sketch planning analytical tool that generate outputs useful to both technical and non-technical users. Plan to pilot the Index tool in 20 communities in 2000.

- **Better integrate all of our efforts into core EPA programs.** We need to make everyone in EPA aware of the importance of what we do.

Mr. Cristofaro spoke about success of the Atlantic Steel project in Atlanta, Georgia. Atlanta was in an air quality conformity lapse, but worked with EPA to develop an alternative project that helped both sides achieve their goals - cleaner air and economic development. Atlantic Steel used a miles-traveled analysis to show a reduction in net air quality impacts by focusing development within the city rather than in the suburbs. Mr. Cristofaro explained that EPA is trying to define with the XL program areas where EPA regulations have hindered economic growth and environmental goals. Diane Thompson explained that it is a struggle to disseminate information effectively to those who will be receptive to it. There was further discussion about the Atlantic Steel project and the methods used to achieve success.

Mark Wolcott spoke to the Committee about the utilization of plotting tools that will aide in the visualization and management of growth. Mr. Wolcott briefly discussed the following tools for design:

- Zoning
- C Ginny Graves Box City visualization tools
- C Kiosks
- C Aerial Photos
- C Photo Montage
- C Visual preference surveys
- C Automated visual preference surveys
- C Community Places
- C GIS Map
- C 2-D GIS and 3-D visual tools with policy variables

Mr. Wolcott spoke of the concept of instituting regional resource centers to make these tools available.

Jeff Clark spoke about flexibility in implementing the Clean Air Act as a way to help define sustainability and identify goals. The Office of Air Quality Planning and Standards is working to become more flexible and institute an incentive program by the end of the year. Three specific areas of concern for the eastern regions are ground level ozone, fine particles and air toxics. Another major issue in the coming year is designating areas as attainment or nonattainment for the 8-hour ozone standard. There was some discussion concerning methanol and gasoline alternatives as well. Diane Thompson stated that this is the time to get in touch with State agencies and provide input if you think you will be affected.

Elizabeth Jester Fellows spoke to the Committee regarding water programs. She addressed several obstacles including: difficulty of identifying benefits; EPA stove pipe programs; traditional political relationships; leveraging of untraditional partners; funding; and, monitoring and storage of data. She also described opportunities for collaboration across various water programs, including: economic development; interaction between States and local governments; better academic and outreach programs; flexibility in grants; and, increased communication and partnerships. Ms. Fellows also spoke about the Office of Water's Smart Growth Agenda which includes: wastewater management opportunities; the Clean Water Revolving Fund; better utilization of tools; expansion of the Wave Program; and, Better America Bonds. Following Ms. Fellows presentation the Committee adjourned for lunch.

The Committee reconvened after lunch. Ms. Caldwell-Johnson called for public comments; there were none. She reviewed the agenda and room assignments and asked the Committee to break into subcommittee sessions. See Appendices A and B for minutes from the Outreach and Policy Subcommittees. An Implementation Subcommittee session was on the agenda, however only two members were present and they were asked to join one of the other subcommittee meetings. Ms. Caldwell-Johnson asked the members to end the subcommittee meetings by 3:45 p.m. for the bus tour.

Following subcommittee meetings, the members boarded a bus at 4:00 p.m. for a tour of Chattanooga. The City's Brownfields Administrator, James Williams, and Director of Transit, Thomas Dugan, served as guides for the tour of downtown Chattanooga, Alden Park, the new stadium and several retired and existing manufacturing sites.

Friday, February 11, 2000

Chairperson Teree Caldwell- Johnson reconvened the Committee at 8:30 a.m. on Friday, February 11, 2000.

Elizabeth Jester Fellows, Director, Assessment and Watershed Protection Division, EPA Office of Water (OW), spoke to the Committee about the current developments at EPA regarding Total Maximum Daily Loads (TMDL). She also discussed 303(d) lists and nonpoint sources. Ms. Fellows spoke about recommendations to the Agency from an advisory committee sponsored by OW that included six key principles:

- C focus on restoring impoverished water bodies;
- C flexibility – implementation is key;
- C communication with the public is vital;
- C stakeholder involvement must be encouraged;
- C local government capacity must be strengthened; and,
- C iterative approaches are helpful, especially in cases of uncertainty.

Dick Zais asked whether there was a model ordinance. Ms. Fellows said she was unaware of a model ordinance, but would inquire as to the existence of one. She was certain that the formal proposal did not include one. Ms. Fellows stressed that it is critical for local and State governments to be involved in developing the methodology and implementation plans for TMDLs once the final regulations are published.

Dick Zais expressed concern that States will not follow the Federal lead on flexibility. There was further discussion on the issue of requirements for the States to involve local governments in development of TMDLs. Ms. Fellows indicated that there was no language in the regulation requiring local involvement. Chris Bird asked if there were any incentives for local governments to be proactive. Ms. Fellows indicated that there were incentives associated with set asides and Clean Air money. Mr. Bird then asked if the money will be directed through States or directly to localities. Ms. Fellows referred Mr. Bird to the TMDL webpage. Discussion continued and Ms. Fellows indicated there was a Frequently Asked Questions section (FAQs) on the webpage. There was further discussion and it was decided that Kay Slaughter would write a letter asking EPA to encourage States to involve local governments in the implementation of TMDLs.

Diane Thompson introduced the next topic segment, “Federalism,” and speaker Paul Lapsley, EPA Office of Policy, Economics and Innovation. Mr. Lapsley spoke about the EPA’s draft guidance on consultation under the Federalism Executive Order (EO 13132). He indicated that the draft will change after submission to the EPA Administrator. He distributed copies to Committee members and asked for their feedback within 30 days. Mr. Lapsley expounded on EPA’s process for rule development and how the Executive Order will impact it. The EO will have a direct effect on the relationships between States and the Federal government and the distribution of power and responsibility among various levels of government. There was some discussion concerning the fact that local governments were included as subdivisions of States and not listed separately. Mr. Lapsley indicated that the wording would be “State and local governments” with no parentheses in EPA’s guidance. Mr.

Lapsley also reiterated that he would like to know the types of regulatory actions in the Executive Order that are of the greatest concern to the Committee.

The Committee members broke out into subcommittee meetings at 10:00 a.m. Refer to Appendices A and B for meeting minutes for the Outreach and Policy Subcommittees. The full Committee reconvened at 1:45 p.m. for report out and discussion.

Chris Bird reported out for the Policy Subcommittee. He explained that the Policy Subcommittee's top three issues were:

- C TMDLs
- C Consultation among States and local governments (using TMDLs as a vehicle to link)
- C Growth management.

Relevance to local government:

- C Nationally, TMDLs will hit local government hard.
- C Consultation -- there are many barriers to getting information down to the local government level. Improvement of the dissemination of information is vital.
- C Growth Management -- local decisions carry out these policies and have impacts on this area.

The following steps will be taken by the Subcommittee:

- C Kay Slaughter will write a letter from the LGAC to EPA on the TMDL issue.
- C A Local Government Forum session is scheduled during the Spring ECOS meeting. The Committee would like to send a representative to participate and to discuss TMDLs as an example of an area in need of more State and local cooperation.
- C Dialogue Issue Survey: Encourage ECOS to do a survey of what States are doing to reach out to locals on TMDLs. Encourage EPA to survey its Regions on their efforts to reach out to locals.
- C Encourage workshops at State Chapter meetings of the National Associations and promote including TMDL presentations on the agendas to encourage local and State government participation. The LGAC may wish to consider sending a letter to the Big 7 encouraging the above, plus dialog between States and local governments on TMDL development.
- C The LGAC may wish to consider recognizing EPA efforts to provide tools and resources on these issues and encourage continuation and availability of tools, e.g., Index Software to use in evaluation of growth issues.

Linda Giannelli Pratt reported out for the Outreach Subcommittee. She explained that the Outreach Subcommittee's top issues were:

- How policy and initiatives are integrated with regulatory functions and with the multiple levels of government.
- Consistency of communication with and among EPA's Regional Offices.
- Help EPA learn when to be a partner and what it means to be a good partner.

Steps to be taken by the Subcommittee are:

- Finalize report on network between EPA and local governments before the May meeting.
- Summarize results of communications survey sent to Regional Offices by the end of March 2000. Send Summary with cover letter to all Regions with a request for reply from the leaders.
- Share responses at the May meeting.
- Continue review of Federalism Executive Order.

Kay Slaughter requested that a copy of the survey be sent to all Committee members and Paul Guthrie agreed to do so.

Ms. Caldwell-Johnson told the Committee that the next LGAC meeting would be in Denver, Colorado on May 11-12, 2000, and approximately 10 new members would attend. She requested volunteers to help frame the agenda for the Strategic Planning meeting.

Volunteers included:

- \$ Chris Bird
- \$ Linda Pratt
- \$ Susan Ode
- \$ Stanley Michels
- \$ Bill Anderson
- \$ Kay Slaughter

Ms. Caldwell-Johnson thanked Ms. Pratt, Mr. Bird and Ms. Slaughter for all their hard work in putting together the agenda for the meeting and acknowledged Mr. Flory, Ms. Hiller, Ms. Thompson, Ms. Ney and Mr. Guthrie. The meeting was adjourned at 2:15 p.m.

Submitted by: _____/S/_____

Date: __4/4/00_____

Denise Zabinski Ney

Designated Federal Officer

Approved by: _____/S/ _____

Teree Caldwell-Johnson

Chair

Date: __4/5/00_____

AGENDA

Local Government Advisory Committee Meeting

Radisson Read House Hotel and Suites
M. L. King and Broad Streets
Chattanooga, Tennessee
(423) 266-4121

Continental Room

Thursday, February 10, 2000

9:00	Convene	Teree Caldwell- Johnson, LGAC Chair
9:05 - 9:15	Welcome	Mayor Jon Kinsey
9:15 - 10:45	The Chattanooga Story: How EPA Helped or Hindered	David Crockett, Councilman, City of Chattanooga, TN Stroud Watson, Director, Riverfront/Downtown Planning and Design Center Thomas Dugan, Director, Chattanooga Area Regional Transit Authority Bob Colby, Director, Air Pollution Control Bureau, City of Chattanooga, TN James Williams, Brownsfields Administrator, City of Chattanooga, TN

Objective: To hear from Chattanooga officials how EPA helped or hindered the efforts to revitalize their city in order to help the Committee focus on areas where recommendations to the Agency may be appropriate. Also, to learn about initiatives that may be transferable to members' communities.

10:45 -
11:00

Break

11:00 -
12:30

EPA's Role in Sustainability –
Growing or Shrinking?

Alexander
Cristofaro, Office of
Policy, Economics and
Innovation

Jeff Clark, Director,
Policy and Communication

Staff, Office of Air Quality
Planning and Standards

Mark Wolcott,
Office of Transportation and
Air Quality

Elizabeth Jester

Fellows, Director,
Assessment and Watershed
Protection Division, EPA
Office of Water

Objective: To learn how EPA defines sustainability, how the Agency views its role in partnership with communities, and what tools and opportunities the Agency has available to help communities move toward sustainability.

12:30 - 2:00

Lunch

2:00 - 2:15

Public Comments

Teree Caldwell-
Johnson

2:15 - 3:45

Subcommittee Sessions
Policy – Lookout Room

Teree Caldwell-
Johnson

Outreach – Continental Room

Chris Bird, Chair,
Policy Subcommittee

Implementation – Signal Room

Linda Giannelli

Pratt, Chair, Outreach
Subcommittee

Objective: Implementation – Members will meet on Thursday to tie up loose ends and thereafter will choose another Subcommittee with which to participate.

Outreach – To complete action on recommendations concerning “Building an LGAC Outreach Network;” to consider intergovernmental activities of EPA’s Regional Offices; and, to consider EPA implementation of EO 13132.

Policy – To discuss the Policy Subcommittee's work on state/local government partnerships and determine next steps; to begin discussion of EPA sustainability efforts and determine which issues the Subcommittee wishes to consider; and to exchange information on the TMDL program and discuss possible areas of LGAC interest.

3:45 - 4:00 Break and Load Buses

4:00 - 6:30 Tour

Objective: To visit some sites that were discussed during the first panel presentation and learn more about what Chattanooga did to move toward becoming a sustainable community.

Friday, February 11, 2000

8:30 - 9:15 TMDLs

Elizabeth Jester
Fellows, (invited)
Director, Assessment and
Watershed Protection Division,
EPA Office of Water

Objective: To inform LGAC members about the latest developments at EPA regarding TMDLs.

9:15 - 10:00 Federalism

Diane Thompson,
Associate Administrator, Office
of Congressional and
Intergovernmental Relations
Paul Guthrie, Office
of Congressional and
Intergovernmental Relations
Paul Lapsely, EPA

Objective: To discuss: (1) Federalism and the integration of Executive Order 13132 into EPA's regulatory process; (2) the coordination that this process envisions between E.O. 13132, "unfunded mandate" and RFA/SBREFA requirements; and, (3) the heightened emphasis on consultation with local governments. It is expected that the LGAC will be the first local government group that will consider the EPA implementation process which will be circulated as draft for comment prior to final adoption as agency guidance. The LGAC will be asked to consider and comment upon the process proposals.

10:00 - 11:30	Subcommittee Sessions	Subcommittee Chairs
11:30 - 1:00	Lunch	
1:00 - 2:30	Subcommittee Sessions	Subcommittee Chairs
2:30 - 4:00	Report Out and Discussion	Teree Caldwell- Johnson and Subcommittee Chairs

Objective: To report out to the full Committee the accomplishments of the Subcommittees during the meeting, plans for activities before the next meeting. This session will be conducted as a panel discussion with Teree serving as moderator. Subcommittee Chairs will be asked to address the following questions: 1/ What are your Subcommittee's top three issues?; 2/ What is the relevance of these issues to local governments?; and, 3/ What are your next steps?

4:00 Adjourn

Local Government Advisory Committee Meeting

Chattanooga, Tennessee

February 10-11, 2000

ATTENDEES

<u>Committee Members</u>	<u>EPA Staff</u>	<u>Members of the Public</u>
Chris Bird	Jeff Clark, EPA/OAR	Carol Leftwich, ECOS
Teree Caldwell-Johnson	Alex Cristofaro, EPA	
Judith Duncan	Paul Guthrie,	
Gary Edwards	Rene A. Henry, EPA	
Linda Giannelli-Pratt	Region III	
Robert Hadfield	Michelle Hiller,	
Mike Kadas	William Jernigan, EPA	
Joel McTopy	Region VI	
Stanley Michels	Paul Lapsley, EPA/RMD	
Susan Ode		
Kay Slaughter	Dallas Miller, EPA	
Arlyn Stepper	Region IV	
John Stufflebean	Tom McCully, EPA/OPEI	
Dick Zais	Regional Mgmt	
	Tom Moore, EPA Region IV	
	Mark Wolcott, EPA/OAR	

ENVIRONMENTAL PROTECTION AGENCY

[FRL-6516-6]

Meeting of the Local Government Advisory Committee

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Local Government Advisory Committee will meet on February 10-11, 2000, in Chattanooga, TN. The theme of the meeting is sustainability/smart growth. There will be two panel discussions in the morning on February 10. Participants on the first panel will be from Chattanooga and will discuss how EPA helped or hindered the City's redevelopment efforts. Participants on the second panel, will be EPA officials and they will discuss the Agency's programs policies, and tools for smart growth/sustainability. Subcommittee sessions will take place on both February 10 and 11.

The Committee will hear comments from the public between 1 pm and 1:15 pm on February 10. Each individual or organization wishing to address the Committee will be allowed a minimum of three minutes. Please contact the Designated Federal Officer (DFO) at the number listed below to schedule agenda time. Time will be allotted on a first come, first serve basis.

This is an open meeting and all interested persons are invited to attend. Meeting minutes will be available after the meeting and can be obtained by written request from the DFO. Members

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of the public are requested to call the DFO at the number listed below if planning to attend so that arrangements can be made to comfortably accommodate attendees as much as possible. However, seating will be on a first come, first serve basis.

DATES: The meeting will begin at 8:15 a.m. on Thursday, February 10 and conclude at 4:00 p.m. on February 11.

ADDRESSES: The meetings will be held in Chattanooga, TN at the Radisson

Read House Hotel and Suites located at M.L. King Blvd. and Broad Street. Requests for Minutes and other information can be obtained by writing the DFO at 401 M Street, SW (1306), Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: The DFO for this Committee is Denise Zabinski Ney. She is the point of contact for information concerning any Committee matters and can be reached by calling (202) 260-0419.

Dated: December 20, 1999.

Denise Zabinski Ney,

Designated Federal Officer, Local Government Advisory Committee.

[FR Doc. 99-33774 Filed 12-28-99; 8:45 am]

BILLING CODE 6560-50-P